THE
Dan Smoot Report

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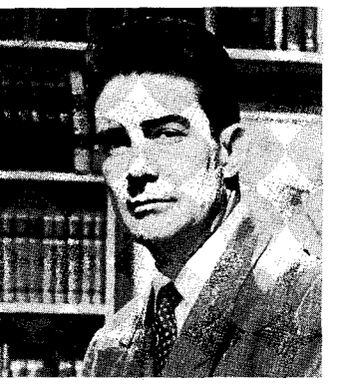

DAN SMOOT

ELECTORAL COLLEGE -- PART II

From an Associated Press story, "Aid To Politicians Up To LBJ," published by the *Dallas Times Herald*, October 28, 1966:

"Administration leaders are confident Johnson will approve a foreign investment tax bill which carries a rider that would give both major parties about $30 million each to try to elect their candidates for president in 1968 . . . . each individual could check off $1 of the income taxes he pays to be divided equally by the two major parties. . . .

"Third parties such as Gov. George C. Wallace of Alabama is threatening to organize in 1968 would have rough going. They would have to roll up 5 million votes in the election before they could claim any federal financial help in the next election four years later."

Johnson signed the bill — the most recent instance of government, controlled by two political parties, violating the Constitution to serve the interests of those parties. Congress usurps power, not granted by the Constitution, to militate against anyone except a Republican or a Democrat becoming President. State legislatures, also controlled by Republicans and Democrats, serve the parties by abdicating their constitutional responsibility with regard to presidential elections.

The consequence, as pointed out last week, is that presidential elections have become contests in bribery and corruption, the two political parties buying votes with the voters' own money.

The emotional backwash of the assassination had such profound effect on Americans that analysis of the 1964 election is complicated. Astute observers felt that President Kennedy, though still personally popular, was politically doomed, his programs stalemated. The assassination made him a martyr, and sanctified his programs. "Voting against Goldwater" as a means of paying tribute to the fallen President gave Johnson many votes in 1964. But less nebulous factors were involved, and a study of these factors is revealing.

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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Johnson's vote exceeded Goldwater's by 16 million. There were more than 39 million people receiving money regularly, directly or indirectly, from the federal treasury — more than 20 million of them drawing social security checks.

This is not to imply that all federal employees, social security pensioners, and others receiving federal benefits voted for Johnson. But leftwing scare propaganda about Goldwater's intent to abolish social security, and leave old people to die in the streets, did have effect. It was obvious that a big majority of the 39 million people drawing federal benefits did vote for Johnson, because they *were getting* the benefits with him as President; they were not sure they would get as much with Goldwater. Note, specifically, that Johnson's plurality in Washington, D.C., was overwhelming.

Since Roosevelt enlarged federal payrolls, relief rolls, and subsidy rolls to the point where people drawing federal benefits can constitute a majority of voters, no incumbent President has been defeated for reelection. The President dictates his own nomination at his party's national convention; and the people whose self-interest is bound to a continuation of his administration do the rest.

These facts help explain why the Constitution forbade federal officeholders from having anything to do with selecting Presidents — why it created a system that separated and insulated the process of electing a President from the demagoguery, bribery, and corruption that are inescapable features of the illegal system we now use.

The present system is so bad that almost everyone agrees it ought to be changed.

More than 200 efforts have been made in Congress to reform our electoral college system by constitutional amendment. All of these, while showing dissatisfaction with the present system, also rest, necessarily, on the erroneous assumption that the system provided by the Constitution is unsuitable. Some 10 proposed constitutional amendments were pending when the 89th Congress adjourned in October, 1966. They fall into four categories:

(1) *Freeze amendment.* Proposed by President Johnson in 1966, this amendment would abolish electors and the electoral college, retain the arrangement of giving each state a number of electoral votes for President equal to the number of its Representatives and Senators in the U.S. Congress, and require that all a state's electoral votes be given to the presidential candidate who gets a plurality of popular votes in the state.

This would forever prohibit such independent-electors efforts as were made in the South in 1960 and 1964, when Mississippians (1960) and Alabamans (1964) exercised their right not to choose between the two candidates offered them by the major political parties, but elected independent electors who were free to vote for someone else. The *Freeze amendment* would also obviate such incidents as one lone elector voting for the President of *his* choice rather than rubber-stamping the candidate offered by his political party. This happened in 1948, 1956, and 1960.

In short, the Johnson proposal would freeze into the Constitution all evils of the present illegal system. In the present system, organized special-interest voting blocs in a dozen large cities can control a presidential election. Most big-city political machines are controlled by Democrats. Hence, it is obvious why Johnson wants the system made permanent — and why such people as Robert Kennedy support Johnson's proposal. Robert Kennedy says that a switch of a few thousand votes in key states in 1960 would have been "tragic," because it would have given the election to Nixon. Kennedy, like Johnson, wants to obviate the possible "tragedy" of Democrats losing their special advantage in presidential elections.

(2) *Direct election amendment.* Also approved by left-wing demagogues, this amendment would abolish the electoral college and provide for direct election of the President by popular vote, without regard to state lines. This amendment could be the final blow to the federal system created by our Constitution.

The most critical problem involved in a confederation, federation, or union of states or nations

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is that of balancing representation. If small, thinly populated states are given equal representation with populous states, a small minority of people can dominate a huge majority. This condition now exists in the General Assembly of the United Nations, where two little African nations with a combined population of less than 1 million have twice as many votes as the United States with a population of 193 million. On the other hand, if states are given representation solely on the basis of population, small states have practically no voice.

Framers of our Constitution devised a magnificent means of balancing the power of big and small states — keeping large states from politically swallowing up small states, while preventing minority populations in small states from dominating majority populations in large ones. All states, regardless of size, have equal representation in the Senate. In the House, their representation is based on size of population. This same balance was prescribed for electing Presidents. All states have two electoral votes for President to match their representation in the Senate — plus enough electoral votes to match their representation in the House.

(3) *Proportional amendment.* Introduced several years ago by Henry Cabot Lodge (then Republican Senator from Massachusetts) and Ed Gossett (then Democrat Representative from Texas), this amendment would abolish electors and electoral college, but keep the electoral count, requiring it to be divided in each state in exact proportion to the division of the popular vote. If Candidate A received 50% of the popular vote in a state; Candidate B, 40%; Candidate C, 10%, the state's electoral votes would be divided among them by those percentages. There are 538 electoral votes in all. At present, it takes a majority (270) to win. The *Proportional amendment* provides that a candidate receiving 40% of all electoral votes (216) could win if no other candidate got that many.

One defect of this plan is that it gives too much political power to statewide special-interest groups. Candidates would tend (as now) to cater to organized voting blocs, largely ignoring unorganized general voters, hoping thus to get at least 40% of each state's votes — enough to win an election.

The *Proportional amendment* is far less objectionable than the *Freeze amendment* or the *Direct election amendment*, however, because it *would* place emphasis on *statewide*, rather than on *nationwide*, special-interest groups. It might even achieve some semblance of a balance of power between different groups in various states. Though undesirable, this would be a better system for electing Presidents than what we have now (and what we would have under the two other types of amendments mentioned): bartering the national interest for the support of one or two of the biggest nationwide voting blocs, thus virtually disenfranchising whole sections of the country.

(4) *District amendment.* Senator Karl Mundt has been sponsoring this proposed amendment for many years. It now has strong support from conservatives in Congress (men like John Tower and Strom Thurmond), from some who are known as moderates, even from a few liberals. It would keep electors and electoral college, requiring the election of two electors from each state on a statewide basis, just as U.S. Senators are elected, all other electors from the state to be elected (and counted) on a congressional district basis.

The *District amendment* would minimize both *nationwide* and *statewide* catering to special-interest groups. It would produce, in the electoral college, the same proportion of political forces that now exists in the Congress. Some districts in a state would elect liberal electors; others would elect conservatives; and so on. Thus, it would eliminate the winner-take-all evil of the present system, while avoiding undesirable features mentioned in connection with the other types of proposed amendments.

The *District amendment* has one flaw in common with all the others, however: it would abolish the original constitutional method of choosing a President — the best method that could possibly be devised.

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In addition to some 200 fruitless proposals to change the electoral college system by constitutional amendment, there have been many other attempts to alter the operation of the system. The Independent-Electors movement in the South in 1960 and 1964 was one.

In 1961, the Electoral College Reform Committee (under the direction of Hugh Matlock at Pipe Creek, Texas) worked for electoral reform that could be achieved by state legislatures, without a constitutional amendment. This group tried to persuade state legislatures to change state laws, in order to abolish the winner-take-all system of counting electoral votes, and to require what the *District amendment* would require — the electing of electors exactly as a state's congressional delegation is elected.

There has been one recent important effort to reform the electoral system by court action.

Under the present system, Democrat and Republican parties seldom select presidential candidates who they think will be best for the country. They select candidates who they think can get the most electoral votes. It is generally assumed that any state will support a presidential candidate from that state. Hence, Republicans and Democrats usually select their candidates from states with large electoral votes. Consequently, many small states have never provided a candidate for President.

Because the present system thus discriminates against small states, Delaware (joined by 10 other small states and Pennsylvania) brought suit against all other states, asking the Supreme Court to void state winner-take-all statutes which permit a presidential candidate to get all of a state's electoral votes if he gets a plurality of the popular vote. They based their plea on Supreme Court decisions, handed down in the early 1960's, which forced states to reapportion legislative districts so that thinly populated districts would not have as much representation in the state legislature as heavily populated districts.

On October 17, 1966, the Supreme Court refused to hear the Delaware case. Though inconsistent with previous Court decisions forcing state legislative reapportionment to achieve the Court's equalitarian ideal of one-man-one-vote, the Court's action with regard to the Delaware suit was unquestionably correct: the Court has no constitutional authority to review state election laws.

NEXT WEEK: How to restore the best possible system of electing Presidents — the constitutional system.

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